

**CIVIL CASE INFORMATION STATEMENT
IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA**

I. CASE STYLE:

EDWARD CLEVINGER,

Plaintiff,

v.

Civil Action No. 19-C-482
(Judge /s/ CHRISTOPHER D. CHILES)

**METROPOLITAN HUNTINGTON, LLC,
d/b/a PULLMAN SQUARE, an Ohio limited
liability company,**

Defendant.

<u>Defendant</u>	<u>Days to Answer</u>	<u>Type of Service</u>
Metropolitan Huntington, LLC Corporation Service Company 209 West Washington Street Charleston, WV 25302	30	Secretary of State

FILED
2019 OCT 23 PM 2:15
J.E. HOOD
CIRCUIT CLERK
CABELL CO. WV

PLAINTIFF: EDWARD CLEVINGER	CASE NUMBER:
DEFENDANT: METROPOLITAN HUNTINGTON, LLC, d/b/a PULLMAN SQUARE, an Ohio limited liability company	19-c-482

II. TYPE OF CASE:

- | | |
|---|---|
| <input checked="" type="checkbox"/> General Civil | <input type="checkbox"/> Adoption |
| <input type="checkbox"/> Mass Litigation | <input type="checkbox"/> Administrative Agency Appeal |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Civil Appeal from Magistrate Court |
| <input type="checkbox"/> Carpal Tunnel Syndrome | <input type="checkbox"/> Miscellaneous Civil Petition |
| <input type="checkbox"/> Diet Drugs | <input type="checkbox"/> Mental Hygiene |
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Industrial Hearing Loss | <input type="checkbox"/> Medical Malpractice |
| <input type="checkbox"/> Silicone Implants | |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ | |
| <input type="checkbox"/> Other: _____ | |

III. JURY DEMAND ☒ YES ☐ NO

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 10/2020

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other: _____

Attorney Name:	Scott S. Segal (WV Bar #4717) Jason P. Foster (WV Bar #10593)	Representing:
Firm:	THE SEGAL LAW FIRM, L.C.	<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
Address:	810 Kanawha Boulevard, East Charleston, WV 25301	<input type="checkbox"/> Cross-Complainant <input type="checkbox"/> Cross-Defendant
Telephone:	(304) 344-9100	
Facsimile:	(304) 344-9105	
E-mail:	scott.segal@segal-law.com jason.foster@segal-law.com	

Dated: October 21, 2019


Signature

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

EDWARD CLEVINGER,

Plaintiff,

v.

METROPOLITAN HUNTINGTON, LLC,
d/b/a PULLMAN SQUARE, an Ohio limited
liability company,

Defendant.

Civil Action No. 19-C-482
(Judge /s/ CHRISTOPHER ECHILES)

FILED
OCT 23 PM 2:45
J.E. HOOD
CIRCUIT CLERK
CABELL CO. WV

COMPLAINT

NOW COMES Plaintiff, Edward Clevenger ("Plaintiff"), by counsel, Scott S. Segal, Jason P. Foster and The Segal Law Firm, and for his Complaint against Defendant Metropolitan Huntington, LLC, d/b/a Pullman Square, ("Defendant"), states as follows:

I. PARTIES

1. Plaintiff is and was at all times relevant to the events underlying this Complaint a citizen and part-time resident of Westmoreland, Wayne County, West Virginia.
2. Defendant is and was at all times relevant to the events underlying this Complaint a limited liability company existing under the laws of the State of Ohio and duly registered with the West Virginia Secretary of State to do business in the State of West Virginia.

II. JURISDICTION AND VENUE

3. Jurisdiction and venue are vested with the Circuit Court of Cabell County, West Virginia, as the incident giving rise to this claim occurred in Cabell County, West Virginia, Plaintiff resides in Cabell County and Defendant operates the Pullman Square shopping center where the events giving rise to this civil action occurred.

III. FACTS

4. Plaintiff incorporates all allegations above as if fully restated and re-alleged and Plaintiff further complains and says as follows:

5. At all times relevant to this civil action, Defendant operated the Pullman Square shopping center located at 220 9th Street, Huntington, West Virginia (“Pullman Square”).

6. On February 13, 2019, Plaintiff was lawfully upon the Pullman Square premises during regular business hours.

7. On February 13, 2019, Plaintiff visited Pullman Square for the purpose of shopping at the stores located at Pullman Square.

8. Plaintiff was going up the escalator located on the Pullman Square premises nearing the top when the escalator suddenly and without warning stopped, throwing Plaintiff forward.

9. The escalator immediately thereafter jerked forward suddenly and without warning throwing Plaintiff backwards causing Plaintiff to lose his balance and fall part-way down the escalator.

10. As a result of the fall, Plaintiff received several severe injuries including extensive lacerations, abrasions, a broken clavicle and a head injury.

COUNT I NEGLIGENCE

11. Plaintiff incorporates all allegations above as if fully restated and re-alleged and Plaintiff further alleges as follows:

12. As the operator of Pullman Square, Defendant owed Plaintiff a duty to exercise ordinary care to keep and maintain the Pullman Square premises in a reasonably safe condition.

13. As part of this duty, Defendant owed a duty to Plaintiff to maintain the escalator in a reasonably safe condition.

14. Defendant breached its duty to Plaintiff by failing to maintain the escalator in a safe operating condition.

15. As a direct and proximate result of Defendant's tortious acts and/or failures to act, Plaintiff sustained severe and permanent personal injuries.

COUNT II
DAMAGES OF PLAINTIFF

15. Plaintiff incorporates all allegations above the same as if fully restated and re-alleged and Plaintiff further alleges as follows:

16. As a direct and proximate result of Defendant's tortious acts and/or failures to act, Plaintiff sustained severe and permanent injuries to his person.

17. As a direct and proximate result of Defendant's tortious acts and/or failures to act, Plaintiff incurred medical bills for his care and treatment, as well as other expenses.

18. As a direct and proximate result of Defendant's tortious acts and/or failures to act, Plaintiff has experienced a loss of enjoyment of life.

19. As a direct and proximate result of Defendant's tortious acts and/or failures to act, Plaintiff has endured and will continue to endure in the future, severe pain and suffering, physically, mentally and emotionally.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter judgment against Defendant in an amount in excess of this Court's jurisdictional minimum, pre- and post-judgment interest and any other relief this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury upon all issues triable by a jury raised herein.

EDWARD CLEVINGER,
Plaintiff,

By counsel:



Scott S. Segal (WV Bar I.D. #4717)
Jason P. Foster (WV Bar I.D. #10593)
THE SEGAL LAW FIRM
A Legal Corporation
810 Kanawha Boulevard, East
Charleston, West Virginia 25301
Telephone: (304) 344-9100
Facsimile: (304) 344-9105

Cabell County Circuit Clerk's Office
750 5th Avenue
Huntington, WV 25701

Page: 1

RECEIPT

NUMBER: 304406

October 23, 2019

Received of: Scott S. Segal

The exact sum of Two Hundred Dollars and 00 cents

Plaintiff: Edward Clevenger

Defendant: Metropolitan Huntington, d/b/a Pullman S

Case Number: CK-6-2019-C-482

Description	Amount
FILE CIVIL Filing Fee	200.00
PAYMENT-CHECK (2216)	-200.00

Jeffrey E. Hood, Circuit Clerk

Deputy

Betty Utt

